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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,180

10/28/2003

Bob Myrick

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EXAMINER

EVANS, KIMBERLY L

ART UNIT

PAPER NUMBER

3629

NOTIFICATION DATE

DELIVERY MODE

06/01/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@alston.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/696,180	<b>Applicant(s)</b> MYRICK ET AL.
	<b>Examiner</b> KIMBERLY EVANS	<b>Art Unit</b> 3629

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 April 2012 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  
NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires \_\_\_\_\_ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

*Examiner Note:* If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☐ They raise the issue of new matter (see NOTE below);

c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
     See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-3 and 7-19.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

/KIMBERLY L. EVANS/ Examiner, Art Unit 3629	/CANDICE D CARTER/ Primary Examiner, Art Unit 3629
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Continuation of 11. does NOT place the application in condition for allowance because: Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

While applicant argues Bloom merely discloses data for multiple customers being stored centrally at the retailer or shipper, the Bloom reference is not as limiting as applicant suggests, nor does the Examiner interpret it as such. Bloom teaches an instance of the ePD Shipping Application can run on a retailer workstation or server computer; the ePD Shipping Application can either receive order related data directly from customers using a standardized web page front-end user interface of the ePD Shipping Application or indirectly through a back-end data interface from the retailer's order processing application. (paragraph 66). The ePD Billing & Maintenance application can be a database and a set of programs to capture and maintain data related to customers, recipients, retailers, CDC's, RDC's, and shippers for use in the shipping operations of all ePD shippers. Exemplary information, which can be recorded to set up a customer or a recipient can include, but is not limited to name, social security number, zip code, CDC preference, primary contact phone number/e-mail address, and a secondary contact phone number/e-mail address. (paragraph 62). A different instance of the ePD Shipping Application can be run by each retailer and shipper to facilitate the process of accepting customer orders for both ePD delivery to a CDC 1190-1 and traditional delivery to a customer-specified address and shipping ordered items from retailer fulfillment sites 1194 to shipper origination RDC's 1170 (paragraph 65).

Moreover, Ben-Shaul reference teaches an application delivery system that allows content providers to directly control the delivery of content based on regional and temporal preferences, client identity and content priority as well as the characteristics of the resources that are delivered to the end users; and delivers the content to the end customer and allows end customers to customize the delivery process based on local preferences, content priority, delivery time and the characteristics of the resources associated with the delivery (column 5, lines 8-14). The Ben-Shaul system operates with standard web servers, web browsers, and DNS servers and uses standard web protocols for the communication between the edge server and its origin server. Such execution is transparent to the client in the sense that it should be semantically indistinguishable from executing the same application at the origin server (column 43, lines 5-8). Examiner contends the Ben-Shaul reference is not as limiting as applicant suggests, with respect to delivery of applications and other special content, a given executable resource which is replicated at the edge server may at times execute at the edge server and at other times at the origin site, depending on the specified policy for that resource. (column 8, lines 36-39). Such services are enabled for a particular edge server by the downloading of CDML instruction and data structures from the origin site, the target site or a third party site, and by interpretation of CDML code and data structure within the content (column 9, lines 14-17). The private edge server resides in the a secured private client domain (intranet) and provides special services for a particular class of clients (column 9, lines 1,2).

Ogilvie teaches a system and method for delivering goods without requiring the business or individual to be present at the time of delivery (Figure 3, column 5, lines 22-31). Bloom teaches an ePD Billing and Maintenance application which captures and maintains data related to customers, recipients, retailers, and shippers for use in the shipping operations (paragraph 62). Tobin is used to teach a transaction privacy clearing house (TPCH) that operates in conjunction with the system components (Tobin, Figure 4). Ben-Shaul teaches services which are enabled for a particular edge server by downloading of CDML instruction and data structures from the origin site, the target site or a third party site, and by interpretation of CDML code and data structure within the content. Fleckenstein relates to delivery of items (parcels) from a delivery service provider to an intended recipient, and teaches a notification and authorization process for retrieval of packages (para 8, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the package delivery apparatus and method of Ogilvie, the method and system for bulk package delivery of Bloom, and the TPCH of Tobin, with the differentiated content and application delivery system of Ben-Shaul and the alternate delivery system of Fleckenstein because it would provide an efficient means for applications to capture and maintain data related to customers, recipients, retailers, CDC's, RDC's, and shippers for use in the shipping operations (Bloom para 62), provide a decentralized and differentiated content and application delivery system that allows content providers to directly control the delivery of content to end users (Ben-Shaul column 4, lines 65-67, Abstract), while securing transactions (Tobin, paragraphs 38, 45), and ensuring packages are delivered and/or retrieved by authorized customers based on client preferences (Fleckenstein paragraph 130). Hence, the combination of Ogilvie, Bloom, Tobin, Ben-Shaul and Fleckenstein teaches the intended function of applicant's invention.

In view of the above, the Examiner contends that all limitations as recited in the claims have been addressed and for these reasons the rejection of the last Office Action is proper.